

Isaac D. Zorea  
Law Office of Isaac Derek Zorea  
P.O. Box 210434  
Anchorage, AK 99521  
(907) 644-2802  
(800) 536-1071 facsimile

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

WILLIAM BAXTER,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	
MUNICIPALITY OF ANCHORAGE,	)	
	)	Case No. 3:20-cv-
Defendant.	)	
_____	)	

COMPLAINT FOR DAMAGES

COMES NOW William Baxter, the plaintiff above named, by and through his attorney,  
Isaac Derek Zorea, and complains as follows:

**I. JURISDICTION**

1.1. At all relevant times, plaintiff, William Baxter, applied for jobs for which he was qualified with the Municipality of Anchorage, within the Third Judicial District, State of Alaska.

1.2. At all relevant times, defendant, Municipality of Anchorage, has maintained significant business connections within the Third Judicial District, State of Alaska.

1.3. Venue properly rests within the Third Judicial District, State of Alaska.

## **II. FACTS**

2.1. On or about March and July 2019, plaintiff William Baxter applied for an interview for the position of Lead Equipment Technician, with the Municipality of Anchorage.

2.2. At the time that Mr. Baxter applied for the position of Lead Equipment Technician, he had been employed with the Municipality of Anchorage, in a lower position than Lead Equipment Technician, since 1993.

2.3. During the time that Mr. Baxter applied for the position of Lead Equipment Technician he was over 60 years old, and the person eventually selected for the position of Lead Equipment Technician was under 40 years of age.

2.4. Mr. Baxter was, by any objective standard, the most qualified applicant for the position of Lead Equipment Technician, yet did not get the position.

2.5. Those Municipality of Anchorage employees that were tasked with the job of selecting the Lead Equipment Technician had actual knowledge of Mr. Baxter's age, and also of the fact that he had previously filed complaints with the Alaska State Commission for Human Rights and the Anchorage Equal Rights Commission.

2.6. Mr. Baxter had previously applied for advancement positions with the Anchorage Municipality and had been denied advancement despite being the most qualified employee.

2.7. After learning that a younger, less experienced employee, who had not engaged in protected activity had been selected for the position of Lead Equipment Technician instead

of him, Mr. Baxter filed a complaint with the Alaska State Commission for Human Rights, alleging age discrimination and retaliation.

2.8. The Alaska State Commission for Human Rights conducted an investigation into Mr. Baxter's complaints of age discrimination. At the conclusion of its investigation, the Commission issued a finding of no substantial evidence of discrimination.

2.9. On or about September 5, 2020, Mr. Baxter received his Right to Sue letter from the EEOC, which served as co-filing agency for his complaint. The Right to Sue letter provided that Mr. Baxter would have 90 days to file a complaint with the Federal courts.

2.10. This complaint is filed pursuant to the privileges laid out in his Right to Sue letter from the EEOC.

#### **CAUSES OF ACTION**

**A. DISPARATE TREATMENT ON THE BASIS OF AGE IN VIOLATION OF 29 U.S.C. § 623.**

3.1. William Baxter incorporates all the facts and allegations within the paragraphs listed above, 2.1 through 2.10, and alleges that defendant, Municipality of Anchorage violated the Age Discrimination in Employment Act.

3.2. William Baxter alleges that at all times relevant to this lawsuit he was over forty years of age, and was performing his job duties to the expectation of his employers, receiving no significant progressive discipline or verbal counseling.

3.3. William Baxter alleges that he observed that the Municipality of Anchorage was looking for a person to be promoted to the Lead Equipment Technician position, and that he decided to apply for this position in March and July 2019.

3.4. Plaintiff William Baxter alleges that despite being the most qualified, and most experienced, applicant for the position of Lead Equipment Technician, the Municipality of Anchorage selected a less qualified and younger applicant.

3.5. William Baxter alleges that defendant Municipality of Anchorage violated the Age Discrimination in Employment Act when it chose to not select him for the position of Lead Equipment Technician because of his age, being over 40 years old, and opting to select a less qualified applicant, who was under 40 years old.

3.6. William Baxter alleges that defendant Municipality of Anchorage also retaliated against him for filing previous claims of age discrimination against the Municipality, and that because of this decision to retaliate against him, the Municipality chose a younger, less qualified, applicant who had not engaged in protected activity instead of him

3.6. For Municipality of Anchorage's violations of the Age Discrimination in Employment Act and/or Retaliation, Plaintiff seeks all damages available under law, specifically as outlined in 29 U.S.C. § 216(b), including back pay, future pay, actual attorney fees and prejudgment interest, and liquidated damages.

#### **PRAYER OF RELIEF**

WHEREFORE, Plaintiff William Baxter , requests judgment against defendant Municipality of Anchorage, as follows:

1. Full and complete payment of all back wages, future wages, prejudgment interest, liquidated damages, and punitive damages caused when Municipality of Anchorage, retaliated against and/or treated in a disparate manner, William Baxter because of his age or based on his engagement in protected activity, in violation of the Age Discrimination in

Employment Act within an amount within the jurisdictional limit of this court, with an exact amount to be proven at trial.

2. Actual reasonable attorney fees, pursuant to the Age Discrimination in Employment Act, and all permitted prejudgment interests on the unpaid wages.

3. Plaintiff William Baxter seeks such other relief as the court may deem just and proper based on the egregious nature of Defendants' conduct.

Dated this 25<sup>th</sup> day of November 2020.

S/ Isaac Zorea  
Law Offices of Isaac D Zorea  
P.O. Box 210434  
Anchorage, AK 99521  
Telephone: (907) 830-1385  
Facsimile: (800) 536-1071  
E-mail: Eyedz@gci.net